

vanadium, tungsten and molybdenum comprise in total at least 12% by weight.

2 D2 Not a cancellation 1/31. (Amended) An article formed of an alloy as defined in Claim 1, in which the alloy has an iron element which is greater than [10%] 35% and less than 50% by weight.

Please cancel claim 41.

Remarks

Re-examination of the above-identified application is respectfully requested. Support for the amendment to claim 1 can be found in claim 41. Since the amendment to claim 1 already existed as a dependent claim, no new issues are raised by this amendment. Support for the amendment to the iron range in claim 11 can be found on page 25, line 18.

Claims 1-12, 34-38 and 41-49 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wilhelmsson, Culling, and Way. The Examiner states that each reference teaches an alloy with constituents whose weight percent ranges overlap those recited in one or more of the recited claims. The Examiner concludes that such overlap renders Applicant's composition prima facie obvious despite differences in non-overlapping areas. Applicant respectfully traverses.

First, Applicant maintains that the present Office Action should not have been made final. More particularly, Applicant notes that claim 41, which has now been incorporated into claim 1 of the application requires at least 12% in total of vanadium, tungsten, and molybdenum. In contrast, Culling teaches a maximum of 2.15% of these three constituents. Clearly, no overlap nor suggestion of the claimed composition occurs. With respect to Wilhelmsson, Applicant notes a content of in total up to 4% of these three constituents evidences that the claimed invention is outside the scope of the prior. Accordingly, claim 41 should not have been rejected in view of these references. Such conclusion carries forward with respect to the current claim 1 incorporating the limitations of claim 41.